IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION

CIVIL ACTION NO. 3:15-CV-00636-DSC

AMIROTECH, INC.,)
Plaintiff,)) <u>ORDER</u>)
v.)
SRG TECHNOLOGY, LLC,)))
Defendant.)

THIS MATTER is before the Court on "Plaintiff's Motion to Dismiss Counterclaim" (document # 18) and the parties' briefs and submissions.

The parties have consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c) and this Motion is now ripe for disposition.

After considering the record, authorities and the parties' arguments, the Court finds that Defendant has sufficiently alleged the elements of a breach of contract claim as well as facts supporting those elements in its Counterclaim. For those and the other reasons set forth in Defendant's brief, "Plaintiff's Motion to Dismiss Counterclaim" (document # 18) is denied.

The Clerk is directed to send copies of this Order to counsel for the parties.

SO ORDERED.

Signed: September 22, 2016

David S. Cayer

United States Magistrate Judge